

(16)

C A S E

O F T H E

PROPRIETORS of the *Stourbridge* and *Dudley Canals*, and the *Owners of Mines* lying upon and near to the same.

TWO Acts passed to make the above Canals, which commu- 16 Geo. III.
nicate with the Staffordshire and Worcestershire Canal at
Stourton in the county of Stafford.

These Canals have been completed at the expence of upwards of
£ 60,000, and have now been navigable for more than five years.

Previous to passing such Acts, an agreement in writing was entered into between *Lord Dudley* (on behalf of the Stourbridge Canal Proprietors), and *Sir Edward Littleton*, and others (on behalf of the Staffordshire and Worcestershire Canal Company), that the Staffordshire and Worcestershire Canal Company should be empowered to take a tonnage of two-pence a ton *per* mile on all coals brought down the Stourbridge Canal, and navigated upon the Staffordshire and Worcestershire Canal (which was one halfpenny a ton *per* mile more than they were before authorised to take); and that the said Company should likewise be empowered to reduce the tolls upon any part of their said Canal, *provided such reduction was made with the consent of the major part of the Commissioners appointed under the said Staffordshire and Worcestershire Canal Act, and whose qualification is £ 100 a year real estate.*

This agreement was confirmed by a clause inserted in the Stourbridge Canal Act.

As soon as the Stourbridge Canal was opened, and before any trial had been had of the effect thereof, the Staffordshire and Worcestershire

cestershire Canal Company imposed the full tonnage of two-pence a ton *per* mile on the Stourbridge coals. And on

March 21, 1780. A reduction was made by the Staffordshire and Worcestershire Canal Company, *with the consent of the Commissioners*, of one penny a ton *per* mile for eight miles, on that part of their Canal which lies above the junction of the Stourbridge Canal; which reduction operated in favour of the Bilston coals only (which lie upon the Birmingham Canal), and was to continue for two years, and no longer, and was made by way of experiment *for a limited time*, that relief might be given to such of the parties who found themselves aggrieved at the expiration of such term.

This reduction in favour of the Bilston coals operated so far in prejudice of the Stourbridge and Dudley collieries, as in effect to exclude them from a competition with the Bilston coals in the Severn market.

March 19, 1782. At a subsequent meeting of the Commissioners convened by public advertisement, an order having been laid before them by the Staffordshire and Worcestershire Canal Company, to continue the said reduction of tonnage in favour of the Bilston coals, the Commissioners, after having duly weighed and considered the same, and the great disadvantage the Stourbridge and Dudley Mines were laid under by such reduction, rejected the same, by a resolution in writing, which was signed by *fifty-four commissioners* (being a very large majority of the Commissioners present at such meeting); many of whom were gentlemen of great landed property in the counties of Worcester and Stafford.

In consequence of this last resolution of the Commissioners, the tonnage upon coals navigated on the Staffordshire and Worcestershire Canal, hath ever since remained upon the footing the same was placed by the Legislature; and the Owners of the different collieries have all been enabled to send their coals to market; and the Public have been benefited by a large and regular supply, at a reasonable rate.

Previous to the making of the Staffordshire and Worcestershire Canal, the iron works on the river Stour, the salt works at Droitwich, and a great part of the county of Worcester, were supplied
with

with coals from the Stourbridge and Dudley collieries. After such Canal was opened, the Bilston collieries, which before had never had any access to the above markets, were enabled to send their coals into the same by water carriage; and the Stourbridge and Dudley collieries (in planting of which many thousand pounds had been expended) were excluded, and became of little value.

The great object in making the Stourbridge and Dudley Canals, was to restore these collieries to a participation of the old market.

The Staffordshire and Worcester Canal Company now apply to Parliament *to take away the power of Commissioners* with respect to the regulation of their tonnage.

The consequence of such a measure would be *to destroy the agreement of the parties without their consent*, and to put the Stourbridge and Dudley Canals, and all the collieries communicating therewith, entirely in the power of the Staffordshire and Worcestershire Canal Company, who, by partially lowering their tonnage on the coals coming from the Bilston collieries, may totally exclude the Stourbridge and Dudley collieries from the Severn market, whereby the object of making the Stourbridge and Dudley Canals would be defeated. The proprietors thereof, who have not yet received any dividend whatever, would be obliged to sit down, after having sunk upwards of £. 60,000 in such undertakings, with the prospect of very little, if any return (whilst the Staffordshire and Worcestershire Canal Company are receiving very large and regular dividends upon their concern). The Owners of the Stourbridge and Dudley Mines will be obliged to discontinue working the same, and the Public be deprived of the benefit of those mines, and a monopoly effected in favour of the Bilston Mines.

The Proprietors of the Stourbridge and Dudley Canals, and of the collieries communicating therewith, rely upon the justice of the House, *that a solemn agreement entered into, and confirmed by Parliament*, will not, without the consent of the parties, be permitted to be broke through, and the *power of Commissioners appointed by the Legislature* for regulating the effect of such agreement, be taken away, without at the same time relieving the Stourbridge and Dudley collieries from the additional tonnage imposed upon their coals by the said Act of Parliament, in consequence of such agreement.

C A S E
OF THE
STOURBRIDGE and DUDLEY
CANALS,
AND
OWNERS of COAL MINES.

[1785.]